

### **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-20 in the application. The Applicants have amended Claims 1, 8, and 15. Support for the amendment can be found, *e.g.*, in paragraphs [0003] and [0028] of the original specification. No other claims have been canceled or added. Accordingly, Claims 1-20 are currently pending in the application.

#### **I. Rejection of Claims 1-20 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,393,486 to Pelavin, *et al.* (hereinafter "Pelavin") and U.S. Patent Application Publication No. 2002/0021675 to Feldmann (hereinafter "Feldmann"). The Applicants believe the invention as presently claimed, however, is neither shown nor suggested in the cited portions of the cited combination of Pelavin and Feldmann as applied by the Examiner. More specifically, the Applicants fail to find where the cited portions of the cited combination teach or suggest RIB data including an update of an active route to a domain in a network that causes the active route to become withdrawn as a result of the active route being lost and disqualifying alternative routes to the domain based on the RIB data including the lost active route prior to an alternative route convergence as recited in now amended independent Claims 1, 8, and 15.

Citing lines 45-67 of column 39 and lines 1-29 of column 40, the Examiner asserts that Pelavin teaches RIB data including an update of an active route to a domain in a network that causes the active route to become a withdrawn route. Furthermore, citing paragraph 36, the Examiner asserts that Feldmann teaches route disqualification logic that disqualifies alternative routes to a domain based on an indication of a withdrawn route. (*See* Examiner's Action of October 31, 2008,

pages 2-3.) The cited portions of Pelavin teach a cost path attribute in a routing table and using “steady-state” routing tables produced once a routing process settles, specifically asserting that Pelavin does not compute information about a convergence process. The cited portion of Feldmann teaches the use of loopback addresses in a BGP of an AS. Claims 1, 8, and 15, however, have been amended to more clearly point out that the basis of a withdrawn route is the availability of the route, not cost, and that disqualifying routes based on the withdrawn routes prior to convergence, not after.

The Applicants fail to find where the cited portions of either Pelavin or Feldmann teach that routes are withdrawn based on availability and that routes are disqualified prior to convergence. On the contrary, the cited portions of Pelavin and Feldmann teach that routes are withdrawn based on cost and that information is not computed about a convergence process, but, rather at “steady-state,” after a convergence process. As such, the cited portions of the cited combination of Pelavin and Feldmann does not provide a *prima facie* case of obviousness of presently amended independent Claims 1, 8, and 15 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 1-20 and allow issuance thereof.

## **II. Comment on Cited References**

The Applicants reserve further review of the references cited but not relied upon if relied upon in the future.

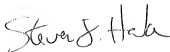
### III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned agent of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

**HITT GAINES, PC**

A handwritten signature in black ink, appearing to read "Steven J. Hanke".

Steven J. Hanke  
Registration No. 58,076

Dated: January 29, 2009

P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800